



Entered on Docket
March 29, 2010

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

LYDIA LLANES BERNABE dba SUN
RISE, LLC; dba L & M RESIDENTIAL;
fdbba BOARD AND GO SERVICES, INC.;
dba SOUTHERN HILLS BOARD & CARE
HOME LLC,

and

MANUEL BALLANGCA BERNABE dba
SUN RISE, LLC; dba L & M
RESIDENTIAL; fdba BOARD AND GO
SERVICES, INC.; dba SOUTHERN HILLS
BOARD & CARE HOME, LLC,

Debtors.

Case No. 09-13257-mkn
Chapter 11

Hearing Date: March 17, 2010
Hearing Time: 9:30 A.M.

ORDER ON MOTION OF THE DEBTORS FOR THE ENTRY OF AN ORDER: (i) APPROVING FORM OF BALLOTS AND PROPOSED SOLICITATION AND TABULATION PROCEDURES; (ii) FIXING THE VOTING DEADLINE WITH RESPECT TO THE DEBTORS' CHAPTER 11 PLAN; (iii) PRESCRIBING THE FORM AND MANNER OF NOTICE THEREOF; (iv) FIXING THE LAST DATE FOR FILING OBJECTIONS TO CHAPTER 11 PLAN; (v) SCHEDULING A HEARING TO (A) APPROVE THE DISCLOSURE STATEMENT; AND (B) CONSIDER CONFIRMATION OF THE CHAPTER 11 PLAN; and (vi) APPOINTING COLEMAN LAW ASSOCIATES, APLC AS SOLICITATION AND TABULATION AGENT

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2 Upon the application dated February 12, 2010, (the “**Scheduling Motion**”), with the
3 Amended Disclosure Statement dated February 12, 2010 (the “**Disclosure Statement**”) of Lydia
4 and Manuel Bernabe, (the “**Debtors**”), as debtors in possession, for an order, (i) approving the form
5 of ballots and proposed solicitation and tabulation procedures for the plan of Reorganization of
6 Lydia and Manuel Bernabe (as such plan may be amended from time to time, the “**Plan**”); (ii) fixing
7 the voting deadline with respect to the Plan, (iii) prescribing the form and manner of notice thereof;
8 (iv) fixing the last day for filing objections to the Plan; (v) scheduling a hearing to consider (a)
9 approval of the disclosure statement and (b) the confirmation of the Plan, and (vi) approving
10 Coleman Law Associates (“**CLA**”) as the Debtors’ solicitation and tabulation agent (the
11 “**Solicitation and Tabulation Agent**”); and it appearing that the Court has jurisdiction over this
12 matter; and it further appearing that the relief requested in the Scheduling Motion is in the best
13 interest of the Debtors, their bankruptcy estate and their creditors; and upon all of the proceedings
14 had before the Court; and after due deliberation and sufficient cause appearing therefore, it is
15 hereby:

16 **ORDERED** that pursuant to §1125 of the Bankruptcy Code and Rule 3017(b) of the Federal
17 Rules of Bankruptcy Procedure, the Revised Disclosure Statement dated February 12, 2010 is
18 hereby conditionally approved; and it is further

19 **ORDERED** that pursuant to Bankruptcy Rule 3017(c), April 25, 2010 at 5:00 p.m. Pacific
20 Time shall be the last date to vote to accept or reject the Plan #2 (the “**Voting Deadline**”); and it
21 is further

22 **ORDERED** that pursuant to §1128(a) of the Bankruptcy Code and Bankruptcy Rule
23 3017(c), the Confirmation Hearing in this Chapter 11 case shall be held on May 5, 2010 at 9:30
24 a.m.; and it is further

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1 **ORDERED** that pursuant to Bankruptcy Rules 3020(b) and 9006(c)(1), objections, if any,
2 to confirmation of the Amended Plan #2 dated 3/23/10 shall be in writing and shall: (a) state the
3 name and address of the objecting party and the nature and the amount of the claim or interest of
4 such party, (b) state with particularity the basis and nature of each objection or proposed
5 modification to the Amended Plan #2 dated 3/23/10 and (c) be filed, together with proofs of
6 service, with the Court (with a copy delivered to chambers) and served so that objections are
7 actually received by the parties listed below, no later than April 25, 2010, at 5:00 p.m. Pacific Time
8 (the “**Confirmation Objection Deadline**”):

9 Elizabeth DeFlyer, Esq.
10 Coleman Law Associates, APLC
11 9708 S. Gillespie St., Ste. A-106
12 Las Vegas, NV 89183
13 Telephone: (702)699-9000
14 Fax: (702)699-9006
15 Attorneys for Debtors

16 and it is further

17 **ORDERED** that any party failing to file and serve an objection to the Amended Plan #2
18 dated 3/23/10 in compliance with this Order shall be barred from raising any objections at the
19 Confirmation Hearing; and it is further

20 **ORDERED** that the Confirmation Hearing may be adjourned from time to time without
21 prior notice to holders of claims, holders of equity interests, or other parties in interest other than
22 the announcement of the adjourned hearing date at the Confirmation Hearing; and it is further

23 **ORDERED** that pursuant to Bankruptcy Rules 3018(c) and 3017(a), the form of ballots for
24 Class 2 and Class 3 are approved; and it is further

25 **ORDERED** that pursuant to Bankruptcy Rules 3017 (c) and 3018(a), the holders of claims
26 in Classes 2 and 3 of the Amended Plan #2 filed 3/23/10 as of the Record Date may vote to accept
27 or reject the Amended Plan #2 filed 3/23/10 by indicating their acceptance or rejection of the
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1 Amended Plan #2 filed 3/23/10 on the ballots provided therefore; and it is further

2 **ORDERED** that the provision of notice in accordance with the procedures set forth in this
3 Order and the Voting Procedures shall be deemed good and sufficient notice of the Confirmation
4 Hearing, the Voting Deadline and the Confirmation Objection Deadline; and it is further

5 **ORDERED** that, pursuant to Bankruptcy Rule 3017(c), but except as otherwise expressly
6 provided in the Voting Procedures, in order to be considered as acceptances or rejections of the
7 Amended Plan #2 dated 3/23/10, all ballots must be properly completed, executed, marked and
8 actually received by the Solicitation and Tabulation Agent on or before the Voting Deadline; and
9 it is further

10 **ORDERED** that, the Solicitation and Tabulation Agent is authorized and directed to effect
11 any action reasonably necessary to accomplish the solicitation and tabulation services contemplated
12 by the Disclosure Statement and the Voting Procedures; and it is further

13 **ORDERED** that the Debtors are not required to mail a Solicitation Package or an
14 Unimpaired Class Notice (as the case may be) to any individual or entity at an address from which
15 notice of the Disclosure Statement Hearing was returned by the United States Postal Service as
16 undeliverable, unless the Debtors or the Solicitation and Tabulation Agent are provided with a more
17 accurate address prior to the Record Date. The Solicitation and Tabulation Agent shall report any
18 undeliverable solicitation packages in its ballot declaration; and it is further

19 **ORDERED** that any entity entitled to vote to accept or reject the Amended Plan #2 dated
20 3/23/10 may change its vote before the Voting Deadline by casting a superceding ballot so that such
21 superceding ballot is actually received by the Solicitation and Tabulation Agent on or before the
22 Voting Deadline; and it is further

23 **ORDERED** that the Debtors are authorized and empowered to take such other actions and
24 execute such other documents as may be necessary or appropriate to implement the terms of this

1 Order; and it is further
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3 **ORDERED** that this Court shall, and hereby does, retain jurisdiction with respect to all
4 matters arising from or in relation to the implementation of this Order.
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9 Submitted by:
10 COLEMAN LAW ASSOCIATES, APLC

11 By: /s/Elizabeth DeFlyer, Esq.
12 ELIZABETH DEFLYER, ESQ.
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SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with Local Rule 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

☒ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

NO PARTIES APPEARED OR FILED FORMAL OPPOSITIONS

APPROVED:

DISAPPROVED:

FAILED TO RESPOND:

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